

Bryan J. Freedman, Esq. (SBN 151990)
Steven B. Stiglitz, Esq. (SBN 222667)
FREEDMAN & TAITELMAN, LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, CA 90067
Telephone: (310) 201-0005
Facsimile: (310) 201-0045
E-mail: BFreedman@ftllp.com
SStiglitz@ftllp.com

Attorneys for Plaintiff
Penske Media Corporation

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PENSKE MEDIA CORPORATION,
dba PMC, a Delaware corporation,

Plaintiff,

VS.

PROMETHEUS GLOBAL MEDIA,
LLC, a Delaware limited liability
company d/b/a hollywoodreporter.com;
and DOES 1 through 10, inclusive,

Defendants.

Case No.: CV 11-7560-VBF (MRWx)
Assigned to: Hon. Josephine Staton
Tucker
Magistrate: Hon. Michael R. Wilner

DISCOVERY MATTER:

**SUPPLEMENTAL DECLARATION
OF STEVEN B. STIGLITZ IN
SUPPORT OF PLAINTIFF PENSKE
MEDIA CORPORATION'S
SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF JOINT
STIPULATION RE: MOTION TO
COMPEL FURTHER RESPONSES
TO WRITTEN DISCOVERY
PROPOUNDED TO DEFENDANT
PROMETHEUS GLOBAL MEDIA,
LLC**

Action filed: September 14, 2011
Discovery Cut-off: November 9, 2012
Pre-trial Conference Date: June 28, 2013 [Note:
LR 37-2.1 requires inclusion of both of
the preceding dates on the title page]
Trial Date: July 9, 2013
Hearing Date: January 9, 2013
Hearing Time: 9:30 a.m.
Hearing Location: Courtroom H (9th Fl.)

DECLARATION OF STEVEN B. STIGLITZ

I, Steven B. Stiglitz, declare as follows:

1. I am a member of the bar of the State of California and an associate with the law firm of Freedman & Taitelman, LLP, counsel for the plaintiff in the above-captioned litigation, Penske Media Corp ("Penske"). I am responsible for making and keeping the litigation file in the above-captioned litigation (the "Action") and am familiar with the documents therein. I make this declaration of my personal, firsthand knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of an email message that I sent to counsel for Prometheus on Wednesday, October 17, 2012, attaching Penske's portion of the joint stipulation regarding the motion to compel further responses.

3. On Monday, October 22, 2012, counsel for Prometheus, Anthony Sbardellati, asked to meet and confer with me regarding the motion.

4. Due to scheduling conflicts, I met and conferred with Mr. Sbadellati's co-counsel, William Weeks, instead. I spoke with Mr. Weeks by telephone on Tuesday, October 23, 2012. During that conversation, Mr. Weeks raised only one issue regarding the joint stipulation, namely that the requests and responses should not be contained in a statement of facts, but instead should be included immediately preceding the argument for each issue. I proposed to provide a reformatted version by the end of the week if Mr. Weeks could provide its portion of the joint stipulation in time to be filed on Wednesday October 31, 2012, which Mr. Weeks counsel said he would do.

5. Attached hereto as Exhibit B is a true and correct copy of an email chain between me and various counsel representing Prometheus, with first email dated October 26, 2012 at 3:15 p.m. and the last email dated October 29, 2012 at 5:03 p.m.

6. On October 31, 2012, in accordance with the agreement that counsel reached in the email chain attached hereto as Exhibit B, the parties filed a stipulation to continue

1 the discovery motion cutoff as well as other deadlines. On November 5, 2012, the Court
2 denied that stipulation for lack of "good cause" without a written order.

3 7. During the week of November 5, 2012, I discussed submitting a revised
4 stipulation with counsel for Prometheus. I discussed with Mr. Sbardellati that the Court
5 simply may have wanted the parties to provide a further explanation and/or request a
6 shorter continuance. Therefore, I revised the stipulation, and, on November 9, 2012, the
7 parties filed a second stipulation seeking a shorter extension of deadlines and providing a
8 further explanation of the reasons that the parties were seeking the extension. The Court
9 denied that stipulation by written order on Wednesday, November 14, 2012.

10 8. Attached hereto as Exhibit C is a true and correct copy of an email dated
11 November 14, 2012, which I sent to counsel for Prometheus. I sent this email in light of
12 the Court's denial of the parties' stipulations so that Penske could continue to pursue the
13 motion to compel (as Mr. Weeks previously stated he would allow). The version of the
14 joint stipulation that I sent to Prometheus' counsel on November 14, 2012 merely
15 reformatted the motion and was substantively identical to the prior version it provided.

16 9. Attached hereto as Exhibit D is a true and correct copy of an email dated
17 November 16, 2012, which I received from Ms. Wagner.

18 10. On November 16, 2012, after receiving Ms. Wagner's email message
19 contending that discovery was over, I spoke by telephone with Anthony Sbardellati
20 regarding the status of discovery, including the joint stipulation. During that
21 conversation, I requested that Prometheus provide its opposition on Monday, November
22 19, 2012 to allow for the motion to be filed prior to the Court's deadline. However, Mr.
23 Sbardellati now took the position that Prometheus would not provide its portion of the
24 joint stipulation until November 21, 2012, which was after the discovery motion cutoff.

25 11. Attached hereto as Exhibit E is a true and correct copy of an email chain
26 between Penske's counsel and Prometheus' counsel with first email dated November 19,
27 2012 at 12:59 p.m. and last email dated November 21, 2012 at 4:11 p.m. On November
28

19, 2012, in response to the first email in the chain (which was from Mr. Sbardellati to me confirming Prometheus' position), I spoke with Mr. Sbardellati again by telephone to reiterate Penske's position that the joint stipulation should have been ready to file that day and to informally resolve other of the parties' discovery disputes.

12. Based on Mr. Weeks' November 21, 2012 email message requesting that the parties concurrently file and schedule the hearing for their respective motions to compel, I arranged for the filing of Penske's motion to compel on November 28, 2012.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and that this document was executed this 4th day of December 2012, in the County of Los Angeles, California.

/s/
STEVEN B. STIGLITZ